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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PHH Mortgage Corporation

Plaintiff,

vs.

SFR Investments Pool 1, LLC, a Nevada limited liability company; Centennial Park Homeowners Association, a Nevada non-profit corporation; Andrew E. Cato, an individual

Defendants.

CASE NO. 2:16-cv-01648-GMN-CWH

STIPULATION AND ORDER TO STAY DISCOVERY

(First Request)

SFR Investments Pool 1, LLC, a Nevada limited liability company,

Counter/Crossclaimant,

vs

PHH Mortgage Corporation; and Andrew E. Cato, an individual

Counter/Crossdefendants

Pursuant to Local Rules LR IA 6-2 and LR 7-1, Plaintiff/Counter-Defendant PHH Mortgage Corporation (“PHH”), Defendant/Counterclaimant SFR Investments Pool 1, LLC (“SFR”), and Defendant Centennial Park Homeowners Association (together with SFR and PHH, the “Parties”), through their respective attorneys, stipulate as follows:

1 1. The Ninth Circuit Court of Appeals has determined that the statute at
 2 issue in this case violates due process. *See Bourne Valley Court Trust v. Wells Fargo
 3 Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016) (hereinafter “*Bourne Valley*”).

4 2. Based on *Bourne Valley*, PHH filed a Motion for Judgment on the
 5 Pleadings or Alternatively For Summary Judgment (“Motion for Judgment on the
 6 Pleadings”) (ECF No. 29) on November 22, 2016 as well as a Motion to Stay
 7 Discovery pending the outcome of the Motion for Judgment on the Pleadings (ECF
 8 No. 30) on December 5, 2016.

9 3. The Parties stipulated to modify the briefing schedule for the Motion for
 10 Judgment on the Pleadings to provide SFR until December 20, 2016 to file a response
 11 and PHH until January 13, 2017 to file a reply.

12 4. On November 18, 2016, SFR filed a Motion to Certify a Question of Law
 13 to Nevada’s Supreme Court (“Motion to Certify”) (ECF No. 28), which also involves
 14 the meaning of the statute at issue in this case.

15 5. Discovery currently is set to close on May 22, 2017.

16 6. To avoid wasting resources and incurring potentially unnecessary
 17 expense associated with discovery, the Parties stipulate and agree to stay all
 18 discovery deadlines pending a resolution on the Motion for Judgment on the
 19 Pleadings and the Motion to Certify. As a matter of clarification, this Stipulation is
 20 limited to a stay of *discovery only*, and the Parties therefore respectfully request that
 21 the Court proceed to decide the Motion for Judgment on the Pleadings and the
 22 Motion to Certify in the normal course.

23 7. Given that the Parties submit this Stipulation in the midst of discovery,
 24 the Parties also stipulate and agree that they will move for an enlargement of time to
 25 conduct discovery if and when the stay is lifted.

26 8. The Parties further stipulate and agree that no Party claiming an
 27 interest in 8909 Topaz Springs Court, Las Vegas, Nevada 89149 (the “Property”),

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1 shall transfer or attempt to transfer such claimed interest in the Property during the
2 pendency of this stay.

3 9. The stay may be lifted by stipulation of the Parties or by motion.

4 10. The Parties make this stipulation in good faith and not for purposes of
5 delay.

6 | Dated: December 21, 2016

Dated: December 21, 2016

7 | BALLARD SPAHR LLP

HALL JAFFE & CLAYTON, LLP

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Dated: December 21, 2016

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 12-22-16